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RELATING TO EDUCATION; PROVIDING FOR ACCESSIBLE ELECTRONIC FORMATS  
FOR INDIVIDUALS WITH DISABILITIES ENROLLED IN DISTANCE LEARNING AND  
USING COMPUTER-BASED COURSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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Section 1. Section 21-2-5.1 NMSA 1978 (being Laws 1988, Chapter 164,  
Section 1, as amended) is amended to read:

"21-2-5.1. FUNDING FORMULA.--

A. The commission on higher education shall develop a funding  
formula that will provide funding for each institution of higher education to accomplish  
its mission as determined by a statewide plan.

B. The commission on higher education may include factors in the  
funding formula, which when implemented will achieve the following:

(1) improve the quality of programs central to each institution's  
mission;

(2) develop and enhance programs that meet targeted post-  
secondary educational needs and the related needs of public schools;

(3) eliminate unnecessary, unproductive or duplicative  
programs;

(4) consider faculty salaries and benefits adjustment to a  
competitive level with similar institutions in similar states, when such compensation  
adjustments are supported by detailed analyses of faculty workloads and educational  
outcomes assessments, and nonteaching staff salaries and benefits at a competitive

level with other similar public or private sector employment in the community in which the institution is situated;

(5) recognize additional costs incurred through increases in enrollment;

(6) provide for equipment and equipment maintenance and library acquisitions and operations since the development of the prior funding formula;

(7) fund off-campus courses and other nontraditional course delivery systems at a level sufficient to allow their development;

(8) provide incentives to institutions to pursue private or alternative funding sources;

(9) encourage the sharing of expertise, equipment and facilities and development of joint instructional programs, research and public service projects;

(10) implement uniform articulation agreements and facilitation of transfer of students between institutions;

(11) encourage energy conservation;

(12) require mechanisms to track expenditures to ensure greater accountability; and

(13) require each institution of higher education that offers distance learning and computer-based courses of study to provide accompanying electronic formats that are usable by an individual with a disability using assistive technology, and those formats shall be based on the American standard code for information interchange, hypertext markup language and extensible markup language."

Section 2. A new section of the Public School Code is enacted to read:

"DISTANCE LEARNING AND COMPUTER-BASED COURSES.--Public schools

that offer distance learning and computer-based courses of study shall provide accompanying electronic formats that are usable by a person with a disability using assistive technology, and those formats shall be based on the American standard code for information interchange, hypertext markup language and extensible markup language. 708